

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN M. BALE,

Plaintiff,

V.

CHARLES N. SCHANDEL, et al.,

Defendants.

CASE NO. 12-5957 RJB

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of U.S.

17 Magistrate Judge J. Richard Creatura. Dkt. 31. The Court has reviewed the Report and
18 Recommendation, objections, and the remaining file.

19 This civil rights case was filed on November 5, 2012. Dkt. 1. Plaintiff's application to
20 proceed *in forma pauperis* was granted. Dkt. 4. Defendants have appeared, filed answers to the
21 Complaint, and filed responses to motions. Dkts. 7, 15, 19, 22, 23, and 30.

22 On September 12, 2013, Plaintiff filed a motion to voluntarily dismiss the Complaint
23 without prejudice. Dkt. 28. The Report and Recommendation recommends dismissal of the
24 action without prejudice. Dkt. 31.

1 The Report and Recommendation (Dkt. 31) should be adopted and the matter dismissed
2 without prejudice. Plaintiff's only objection is that he does not want to pay the filing fee because
3 he is indigent. Dkt. 32. Under 28 U.S.C. § 1915, a person who can show that are unable to prepay
4 the filing fees can still bring a case in a United States court. Section 1915(b)(1) provides that "if a
5 prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to
6 pay the full amount of a filing fee." It further sets up a payment schedule of an initial partial filing
7 fee and monthly payments for the remainder. 28 U.S.C. § 1915(b)(1)-(2). Pursuant to 28 U.S.C. §
8 1915, Plaintiff should be required to pay the filing fee.

9 It is **ORDERED** that:

10 1) The Report and Recommendation (Dkt. 31) **IS ADOPTED**; and
11 2) The case is **DISMISSED WITHOUT PREJUDICE**.

12 The Clerk is directed to send uncertified copies of this Order to U.S. Magistrate Judge J.
13 Richard Creatura, all counsel of record and to any party appearing *pro se* at said party's last
14 known address.

15 Dated this 4th day of November, 2013.

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18 ROBERT J. BRYAN
19 United States District Judge
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